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10 Attorneys for Defendant,
11 Patrick Byrne

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 ROBERT HUNTER BIDEN, an
15 individual,

16 Plaintiff,

17 vs.

18 PATRICK M. BYRNE, an individual,
19 Defendant.

Case No.: 2:23-cv-09430-SVW-PD
Judge: Honorable Stephen V. Wilson
Courtroom: "10A"

Complaint Filed: November 8, 2023

**SUPPLEMENTAL DECLARATION
OF MICHAEL C. MURPHY, ESQ.
IN SUPPORT OF DEFENDANT
PATRICK BYRNE'S MOTION IN
LIMINE NO. 7 TO PRECLUDE
WITNESSES AND EVIDENCE NOT
DISCLOSED PURSUANT TO RULE
26(f);**

*[Filed concurrently with the Notice of
Motion and Motion for Summary
Judgment; Defendant's Statement of
Uncontroverted Facts; Request for
Judicial Notice; Proposed Judgment]*

Date: November 25, 2024
Time: 3:00 p.m.
Courtroom: "10A"

**SUPPLEMENTAL DECLARATION OF MICHAEL C. MURPHY, ESQ. IN SUPPORT OF DEFENDANT'S MOTION
IN LIMINE NO. 7**

Case No.: 2:23-cv-09430-SVW-PD

1 I, Michael C. Murphy, Esq., declares as follows:

2 1. I am an attorney duly authorized and licensed to practice law before
3 this Court and all the state courts located throughout the State of California. I am
4 an attorney with the Law Offices of Michael C. Murphy, attorneys of record for
5 Defendant Patrick Byrne. This Declaration is executed in support of Defendant's
6 Motion in Limine No. 7 to Preclude Witnesses and Evidence Not Disclosed
7 Pursuant to Rule 26(f). I have personal knowledge of the facts stated in this
8 Declaration and if called upon to testify, I would competently do so.

9 2. On November 1, 2024, Mr. Zachary Hansen, Esq. one of Plaintiff
10 Robert Hunter Biden ("Plaintiff") counsel in this case sent me an e-mail. Attached
11 to it are 359 pages of documents bates stamped RHB00509 to RHB00868 that were
12 never previously produced in discovery and not disclosed in Plaintiff's Rule 26f
13 disclosures prior to sending them to us.

14 3. On November 19, 2024, Mr. Zachary Hansen, Esq. one of Plaintiff
15 Robert Hunter Biden ("Plaintiff") counsel in this case sent me an e-mail. Attached
16 to it are three pages of documents bates stamped RHB01413 to RHB01416 that
17 were never previously produced in discovery, not contained on the joint exhibit list
18 and not disclosed in Plaintiff's Rule 26f disclosures prior to sending them to us.

19 4. Plaintiff has attempted after the discovery cut off to provide this week
20 a late Rule 26f disclosure statement. However, that statement does not resolve the
21 prejudice the Defendant has sustained by this late production of documents.

22 5. Accordingly, Defendant respectfully requests that the court grant
23 Defendant's Motion in Limine No. 7 and preclude Plaintiff from referring,
24 mentioning, or using in any manner any of the documents contained in bates stamp
25 numbers RHB00509 to RHB00868 and RHB014120 to RHB01416 during the trial
26 of this case.

27 6. I declare under penalty of perjury under the laws of the United States
28 of America that the foregoing is true and correct. This Declaration was executed on

1 November 20, 2024, at Westlake Village, CA.

2 By: /s/ Michael C. Murphy, Esq.
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PROOF OF SERVICE

UNITED STATES OF AMERICA

I am employed and am a resident of the County of Ventura, State of California.

I am over the age of 18 and not a party to the within action. My business name and address is as follows:

Law Offices of Michael C. Murphy
2625 Townsgate Road, Suite 330
Westlake Village, CA 91361

On November 20, 2024, I served the foregoing document(s) on Opposing Counsel in this action described as follows:

**1. SUPPLEMENTAL DECLARATION OF MICHAEL C. MURPHY,
ESQ. IN SUPPORT OF DEFENDANT PATRICK BYRNE'S
MOTION IN LIMINE NO. 7 TO PRECLUDE WITNESSES AND
EVIDENCE NOT DISCLOSED PURSUANT TO RULE 26F.**

by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

by placing a copy of the original enclosed in sealed envelopes addressed as follows ("U.S. Mail"):

☒ by placing copies of the original through electronic transmission ("e-mail") to all parties appearing on the electronic service list as follows:

by placing copies of the original through facsimile transmission ("fax") to all parties appearing on the service list as follows:

1 Paul B. Salvaty, Esq.
2 Winston & Strawn LLP
3 333 S. Grand Ave. 38th Floor
4 Los Angeles, CA 90071-1543
5 Tel: (213) 615-1700
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11 Washington, D.C. 20036-3508
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15 AbbeLowellPublicOutreach@winston.com

16 Bryan M. Sullivan, Esq.
17 Zachary C. Hansen, Esq.
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25 Email: bsullivan@earlysullivan.com

Attorneys for Plaintiff
ROBERT HUNTER BIDEN

26 The sender's name and email address are as follows:
27 Name: Michael C. Murphy, Esq.
28 Email: Michael.jr@murphlaw.net

____ (State) I declare under penalty of perjury under the laws of the State of California and the United States of America that the above is true and correct.

X (Federal) I declare that I am employed in the office as a member of the bar of this court at whose direction the service was made.

Executed on November 20, 2024 at Westlake Village, California.

By: /s/ Michael C. Murphy, Esq.

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